

# Ordinary Meeting Minutes

27 April 2021

10.00 am

Council Chambers, Bundaberg

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## **Present:**

Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr TM McPhee, Cr GR Barnes, Cr TM McLoughlin, Cr VJ Habermann OAM, Cr SA Cooper, Cr MBE Mitchell and Cr JD Learmonth

## **Leave of Absence:**

## **Officers:**

Mr SD Johnston, Chief Executive Officer  
Mr SJ Randle, General Manager Infrastructure  
Mr GJ Steele, General Manager Community & Environment  
Mr B Artup, Executive Director Strategic Projects and Economic Development  
Mr R Jenner, Acting Group Manager Development  
Mrs C Large, Chief Legal Officer & Acting General Manager Organisational Services  
Mrs WE Saunders, Executive Services Co-ordinator  
Ms B Kao, Executive Assistant/Researcher

Cr JM Dempsey acknowledged the traditional custodian owners of the land and their Elders past, present and emerging.

The Mayor also acknowledged those Australians who have given the ultimate sacrifice in service to our country.



## Minutes

27 April 2021

<b>Item Number:</b> B1	<b>File Number:</b>	<b>Part:</b> Minutes
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**Subject:**

Confirmation of Minutes

**Resolution**

Cr JM Dempsey moved:-

**That the minutes of the Ordinary meeting of Council held on 30 March 2021 be taken as read and confirmed.**

Seconded by Cr VJ Habermann - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C1		COUNCILLORS

**Subject:**

Declaration of Conflict of Interest - Cr TM McPhee

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr McPhee advised she has a declarable conflict of interest in item T1 of today's agenda as the applicants are known to her and her husband – and will therefore leave the meeting while the item is discussed and voted on.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C2		COUNCILLORS

**Subject:**

Declaration of Conflict of Interest - Cr MBE Mitchell

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Mitchell advised she has a declarable conflict of interest in item R1 of today's agenda as she is acquainted with the owners of another similar business and will therefore leave the meeting while the item is discussed and voted on.



## Minutes

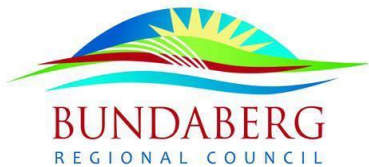
27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C3		COUNCILLORS

**Subject:**

Declaration of Conflict of Interest - Cr MBE Mitchell

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Mitchell advised she has a declarable conflict of interest in item T1 of today's agenda as a previous tenant of the subject property is known to her and she has visited the property on occasion and will therefore leave the meeting while the item is discussed and voted on.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C4		COUNCILLORS

**Subject:**

Declaration of Conflict of Interest - Cr JD Learmonth

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Learmonth advised he has a declarable conflict of interest in item L1 of today's agenda as Olsens' Corner Foodworks and Southside Central Shopping Centre is the purchaser of property previously owned by him in partnership with a family company – and that the entity could be impacted by the subject development – and would therefore leave the meeting while the item is discussed and voted on.



## Minutes

27 April 2021

<b>Item Number:</b> E1	<b>File Number:</b>	<b>Part:</b> STRATEGIC PROJECTS & ECONOMIC DEVELOPMENT
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**Portfolio:**

Executive Services

**Subject:**

Moore Park Beach Masterplan

2714

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That the masterplan identified as 'Moore Park Beach Spaces and Places' be endorsed by Council as an approved masterplan.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b> F1	<b>File Number:</b>	<b>Part:</b> FINANCE
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**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 1 April 2021

2715

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That the Financial Summary as at 1 April 2021 be noted by Council.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.





## Minutes

27 April 2021

**Item Number:**

G1

**File Number:**

**Part:**

GOVERNANCE

**Portfolio:**

Organisational Services

**Subject:**

2020/2021 Operational Plan - Quarter 3

2716

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That the 2020/21 Operational Plan – Quarter 3 be received and noted.**

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

**Item Number:**

G2

**File Number:**

**Part:**

GOVERNANCE

**Portfolio:**

Organisational Services

**Subject:**

Organisational Structure

2717

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That the Organisational Structure (as at 23 April 2021) be adopted by Council.**

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b> G3	<b>File Number:</b> .	<b>Part:</b> GOVERNANCE
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**Portfolio:**

Organisational Services

**Subject:**

Corporate Plan 2021-2026

2718

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That Council adopt the Corporate Plan 2021-2026.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b> G4	<b>File Number:</b>	<b>Part:</b> GOVERNANCE
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**Portfolio:**

Organisational Services

**Subject:**

Sale of Lots in Stage 2 at Kinkuna Waters Estate

2719

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:**

- 1. Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012 (Qld)* to the disposal of Lots 57, 59, 60, 65, 66, 67, 78 and 79 on SP227071; and**
- 2. the Chief Executive Officer be authorised to enter into Contracts of Sale with the Buyers and attend to all items required to finalise the sale of the properties.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
H1	TEN/1280	INFRASTRUCTURE

**Portfolio:**

Infrastructure Services

**Subject:**

Specialised Supplier Arrangement - Childers Palace Backpackers Memorial Lift

2720

**Resolution**

Cr WR Trevor presented the report; and moved:-

**That:**

- a. Council enter into an arrangement with Schindler Lifts Australia for the provision of the Childers Palace Backpackers Memorial Lift Maintenance without first seeking competitive quotations or tenders pursuant to Section 235(b) of the *Local Government Regulation 2012*; and
- b. this arrangement be made for an initial period from 1 January 2021 to 31 December 2025.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
L1	521.2020.182.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Planning & Development Services

### Subject:

106 FE Walker Street, Kepnock - Reconfiguring a Lot for Subdivision (1 Lot into 2 Lots)

Cr Learmonth left the meeting, the time being 10.22 am.

2721

### Resolution

Cr JM Dempsey moved:-

**That the Development Application 521.2020.182.1 detailed below be decided as follows:**

#### **1. Location details**

Street address: 106 FE Walker Street, Kepnock  
 Real property description: Lot 900 on SP261837  
 Local government area: Bundaberg Regional Council

#### **2. Details of the proposed development**

Development Permit for Reconfiguring a Lot for Subdivision (1 lot into 2 lots)

#### **3. Decision**

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 4. Approved plans and specifications

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Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no	Version /issue
<b>Aspect of development:</b> Reconfiguring a Lot				
Plan of Proposed subdivision	InsiteSJC	14/04/2021	GC20-240-P3	Sheet 1 of 2
Plan of Proposed subdivision	InsiteSJC	14/04/2021	GC20-240-P3	Sheet 2 of 2
Plan of Proposed subdivision	InsiteSJC	July 2020	GC20-240-P1	Sheet 3 of 3
Santalucia Boulevard Stage 1-2 Functional Road Layout	RMA	22/03/21	C-SK0001	F

#### 5. Conditions

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This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

#### 6. Further development permits

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Operational Work

#### 7. Properly made submissions

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Not applicable — No part of the application required public notification however one 'not properly made' submission was received.

#### 8. Referral agencies for the application

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The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p><b>State-controlled road</b> Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) <i>are within 25m of a State transport corridor;</i> or</p> <p>(b) <i>are a future State transport corridor; or</i></p> <p>(c) <i>are—</i> (i) <i>adjacent to a road that intersects with a State-controlled road; and</i> (ii) <i>within 100m of the intersection</i></p>	Queensland Treasury	Concurrence Agency	<p>State Assessment and Referral Agency (SARA)</p> <p>E: <a href="mailto:wbbregionalservices@dsdmip.qld.gov.au">wbbregionalservices@dsdmip.qld.gov.au</a></p> <p>P: PO Box 979 Bundaberg Qld 4670</p>

## 9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

## 10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

## 11. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
Conditions 17 - 18 - Internal Road Conditions 13 - 16 - Sewer	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure



**12. Rights of appeal**

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant’s appeal rights and the appeal rights of a submitter.

**SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**

**PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

NO	CONDITION	TIMING
<b>GENERAL</b>		
1.	Comply with all conditions of this development approval prior to the submission of the survey plan for endorsement, unless otherwise stated within this notice.	As indicated

2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
<b>CONSTRUCTION MANAGEMENT</b>		
4.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from building work is made: <ul style="list-style-type: none"> <li>a. on a business day or Saturday, before 6.30 am or after 6.30 pm</li> <li>b. on any other day, at any time.</li> </ul>	At all times during construction
5.	Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.	At all times during construction
6.	Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.	At all times during construction
<b>STORMWATER</b>		
7.	<p>Submit for approval by the Assessment Manager, the Staged design for Stormwater Management. The stormwater drainage system must:</p> <ul style="list-style-type: none"> <li>a) connect to a lawful point of discharge;</li> <li>b) be undertaken in accordance with an Operational Works approval,</li> <li>c) be in accordance with the Queensland Urban Drainage Manual;</li> <li>d) incorporate the works described in the Stormwater Management Report by RMA Engineers dated 19 July 2018, Project Number 13342 Revision 1, as amended by the guidance provided in the flooding assessment letter prepared by RMA Engineers dated 4 October 2018;</li> <li>e) be modified to accommodate the 2D XP SWMM modelling outcomes required under condition 8; and</li> <li>f) must include the registration of a new or modified Easement Z on SP291197 (the "New Easement") to incorporate works and overland flow paths in that easement.</li> </ul> <p>Note: An Operational works development application will be required to be submitted to Assessment Manager for the stormwater works. As per the requirements of Code Assessable development, the application will be required to demonstrate compliance with the applicable assessment benchmarks.</p>	Prior to the endorsement of the survey plan

8.	<p>Submit to and have approved by the Assessment Manager as part of the operational works application for the development, an amended 2D XP SWMM model that demonstrates to the Assessment Manager's satisfaction that the development will achieve the outcomes of the Stormwater Management Report by RMA Engineers dated 19 July 2018, Project Number 13342 Revision 1, as amended by the guidance provided in the flooding assessment letter prepared by RMA Engineers dated 4 October 2018. The model must also incorporate:</p> <ol style="list-style-type: none"> <li>a. the requirements of section SC6.3.6 Stormwater of SC6.3 Planning Scheme Policy for Development Works;</li> <li>b. Filling below the Defined Flood Event for the extent required in accordance with the GHD Kepnock Central Shopping Centre Development Flood Impact Assessment Memo; and</li> <li>c. The approved plans associated with the Material change of use of premises approval over the proposed lots, including earthworks.</li> </ol>	As indicated
9.	<p>Undertake all stormwater works necessary for the Reconfiguration of a lot, as required by the outcomes of the approved stormwater design in condition 7 of this approval.</p> <p>Note: An Operational works development application will be required to be submitted to Assessment Manager for the stormwater works. As per the requirements of Code Assessable development, the application will be required to demonstrate compliance with the applicable assessment benchmarks.</p>	Prior to the endorsement of the survey plan
10.	<p>The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014, the Bundaberg Regional Council Stormwater Management Strategies and generally as set out in the Stormwater Management Report by RMA Engineers dated 19 July 2018, Project Number 13342 Revision 1.</p> <p>A Site Based Stormwater Management Plan and Erosion and Sediment Control Management Plan, inclusive of long-term maintenance measures, must be submitted as part of an application for Operational Works.</p>	Prior to the endorsement of the survey plan
11.	<p>Submit a discharge agreement noting Lot 11 SP283995 accepts ongoing stormwater discharge from proposed lot 900.</p>	Prior to the endorsement of the survey plan

<b>WATER</b>		
12.	Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.	Prior to the endorsement of the survey plan
<b>SEWERAGE</b>		
13.	Provide a reticulated sewerage service to each proposed lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The sewerage specifics must be determined as part of an application for Operational Work.	Prior to the endorsement of the survey plan
14.	All live sewer work, including main replacement and points of connection, must be undertaken by Council.	At all times
15.	All sewerage infrastructure must be clear of all proposed and existing buildings. Detailed design of the new sewerage infrastructure and its alignment must be determined prior to the commencement of the detailed stormwater design and any subsequent works must form part of an application for operational work.	As indicated
16.	Except where perpendicular to or intersecting with a property boundary, a sewer main must not be situated closer than 1.5 metres to a property boundary, unless otherwise approved by the assessment manager.	At all times
<b>ROADWORKS</b>		
17.	Dedicate all new roads as 'road reserve'.	When the survey plan is endorsed
18.	<p>The road must be constructed and dedicated in accordance with <i>RMA's Conceptual Layout – Ultimate, drawing number C-SK0002, revision B, dated 22 March 2021</i>, with a minimum reserve width of 20 metres, augmented as necessary to fit other design requirements of Santalucia Bld including bus stops, intersection treatments and roundabout/s. Such new road reserve must also align with and be contiguous to the existing eastern portion of Santalucia Boulevard.</p> <p>Dedicate additional new road for the Santalucia Boulevard extension to ensure the approved pedestrian path and crossings along the extension are contained inside the new road corridor clear of all telecommunication and electricity services.</p> <p>Exact extents of the road corridor are to be finalised through detailed design of the road as per condition 19 of this approval.</p>	Prior to the endorsement of the survey plan

<p>19.</p>	<p>Prepare and submit for approval to the Assessment Manager detail design of Santalucia Boulevard. The design is to:</p> <ol style="list-style-type: none"> <li>a. Be generally in accordance with <i>RMA's Drawing number C-SK0001, revision F, dated 22 March 2021</i>;</li> <li>b. be sealed with asphalt;</li> <li>c. provide concrete kerb and channelling on each side of all roadways to the relevant standard;</li> <li>d. pavement designed in accordance with Austroads Pavement Design for Light traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06). The pavement specifics shall be determined at the operational works stage;</li> <li>e. connect smoothly to and align with the existing section of Santalucia Boulevard;</li> <li>f. feature a minimum 2 metre wide pathway on the northern side of the road corridor; and</li> <li>g. take into consideration conditions of approval for any proposed staged construction as required under the overarching and current Material Change of Use approval for the site.</li> </ol> <p>All roadworks must be carried out in accordance with an Operational works approval. Submission of detailed design of Santalucia Boulevard may form part of the operational works application.</p> <p><b>Note:</b> <i>Where there is any conflict between a condition of this approval, the Approved plans, and the Planning scheme provisions, the condition prevails, and the Approved plans prevail over the Planning scheme provisions.</i></p>	<p>As indicated</p>
<p>20.</p>	<p>Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads <i>Guide to Road Design Part 4A: Unsignalised and Signalised Intersections</i>.</p>	<p>Prior to the endorsement of the survey plan</p>
<p><b>LANDSCAPING</b></p>		
<p>21.</p>	<p>A landscape plan must be submitted to and approved by the Assessment Manager. The plan must form part of the operational work application associated with this approval.</p> <p>The plan must have regard to the conditions of this approval and include, but not be limited to, the following features:</p> <ol style="list-style-type: none"> <li>a. The area or areas set aside for landscaping;</li> <li>b. Location and name of existing trees;</li> <li>c. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:             <ol style="list-style-type: none"> <li>I. The location and sizes at planting and at maturity of all plants;</li> </ol> </li> </ol>	<p>As indicated.</p>

	<p>II. The utilisation of native species which are tolerant of local environmental factors (the Plant Species List contained within Council’s Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided.). No exotic plants are to be specified;</p> <p>d. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;</p> <p>e. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;</p> <p>f. Specification of the root containment method to be used for trees adjoining footpaths or kerbing;</p> <p>g. Details of any landscaping structures;</p> <p>h. Details of cutting and filling and all retaining structures and fences and associated finishes;</p> <p>i. Contours or spot levels;</p> <p>j. Fence size and materials;</p> <p>k. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;</p> <p>l. Location of any drainage, sewerage and other underground services and any overhead power lines;</p> <p>m. The utilisation of tree and groundcover species in the entry median that are able to maintain their own compact habit;</p>	
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**VEGETATION CLEARING**

22.	Restrict vegetation removal to the trees identified on the Approved Plans.	At all times
23.	Inspect the tree prior to clearing for the presence of nesting birds, koalas and other fauna, including habitat hollows. No clearing of trees which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the Queensland Nature Conservation Act 1992.	At all times
24.	Chip, mulch or dispose of cleared vegetation at a Council approved green waste disposal facility or salvage timber for reuse. No burning of cleared material is permitted unless otherwise approved in writing by the Assessment Manager.	At all times

<b>ELECTRICITY, STREET LIGHTING, TELECOMMUNICATIONS</b>		
25.	Enter into an agreement with the Telecommunications Authority or Cable Serve provider (whichever is applicable) to ensure that telecommunications/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the endorsement of the survey plan.	As indicated
26.	Provide for electrical reticulation in accordance with the Planning scheme policy for development works. <b>Note:</b> <i>Submission of the detail design must form part of an Operational works application.</i>	Prior to the endorsement of the survey plan
27.	Provide lighting to public areas, new roads, pathways and intersections by provision of underground conduits and cables, poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is V4 for all roadways. <b>Note:</b> <i>Submission of the detail design must form part of an Operational works application.</i>	Prior to the endorsement of the survey plan
28.	Locate any padmount transformers within Santalucia Boulevard road reserve fronting the development, unless otherwise agreed in writing by the Assessment Manager.	Prior to the endorsement of the survey plan
29.	Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure – Guidelines for Developers to the satisfaction of the Assessment Manager.	Prior to the endorsement of the survey plan
<b>GROUNDWATER BORE</b>		
30.	The groundwater bore within the subject land must be either decommissioned by a licensed water bore driller or be re-commissioned to the satisfaction of the Department of Natural Resources and Mines.	Prior to the endorsement of the survey plan
<b>SERVICES AND STRUCTURES</b>		
31.	Supply and install all service conduits and meet the cost of any alterations to public utility mains, existing mains, services, installations required in connection with the development in accordance with the applicable Planning scheme codes, Planning scheme policy for development works, or requirements of the individual service provider.	Prior to the endorsement of the survey plan
32.	Ensure all existing and proposed utility services and connections (eg electricity, telecommunications, water, and sewerage) are wholly located within each lot that they serve or within a suitable easement to the satisfaction of the Assessment Manager.	Prior to the endorsement of the survey plan

33.	<p>Submit to the Assessment Manager a certificate produced by an appropriately qualified Surveyor, which certifies that:</p> <ul style="list-style-type: none"> <li>a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i>, unless otherwise agreed in writing by the Assessment Manager</li> <li>b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement</li> <li>c. all existing and propose utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the site or registered easement</li> <li>d. all retaining walls and structures are wholly contained within the site</li> <li>e. any fill, including fill batters, are wholly contained within the site.</li> </ul>	Prior to the endorsement of the survey plan
<b>EASEMENTS</b>		
34.	<p>Lodge to the State (Titles office) for registration the following easement(s):</p> <ul style="list-style-type: none"> <li>a. a stormwater drainage easement having a minimum width of 3 metres to the benefit of Council that includes any stormwater main or drainage path, existing or proposed, traversing proposed Lot 900 and Lot 901, located within the easement and a minimum of one (1) metre from the easement boundary.</li> <li>b. a sewerage easement having a minimum width of 3m to the benefit of Council that includes any sewerage main proposed traversing proposed Lot 900 and Lot 901, located within the easement and a minimum of one (1) metre from the easement boundary</li> </ul>	When the survey plan is endorsed
35.	Submit all draft easement documentation to the Assessment Manager with the lodgement of the survey plans for endorsement.	When the survey plan is endorsed
36.	All works must be clear of any existing or proposed easements on the subject land, unless agreed in writing by the Grantee.	At all times

**PART 1B – ADVICE NOTES**

NO.	ADVICE	TIMING
<b>INFRASTRUCTURE CHARGES</b>		
1.	Infrastructure charges notice (331.2020.1237.1) applicable to the development is attached to this Development approval.	At all times



2.	An executed Infrastructure agreement applies to this development. The requirements of the Development approval should be read in conjunction with the provisions of the Infrastructure agreement.	At all times
<b>RATES AND CHARGES</b>		
3.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the endorsement of the survey plan
<b>ENVIRONMENTAL HARM</b>		
4.	<p>The <i>Environmental Protection Act 1994</i> states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.</p> <p>In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.</p>	At all times
<b>ABORIGINAL CULTURAL HERITAGE</b>		
5.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times
<b>EXISTING SERVICES AND STRUCTURES</b>		
6.	Demolition or removal of the existing dwelling and associated outbuildings on existing lot 900 on SP261837 may be required dependant on the scale of stormwater infrastructure required for the reconfiguration of the lots and associated roadworks requirements of the development approval.	At all times
<b>WATER AND SEWERAGE</b>		
7.	In order for agreed Council work to be performed on existing live water and sewer infrastructure:	At all times

	<ul style="list-style-type: none"> <li>a. ensure a detailed design proposal is submitted to the Assessment Manager, marked 'For construction'</li> <li>b. complete and return the 'Application for water and sewer' forms (Notice to service provider) available from the Assessment Manager</li> <li>c. pay the applicable lodgment fee</li> <li>d. if necessary, a quote will be prepared by Council's Water Service section once the detailed design proposal is approved</li> <li>e. follow instructions provided with the quotation and pay the quoted fee</li> </ul> <p><b>Note:</b>  <i>The 'Application for Water &amp; Sewer' forms can cater for both water and sewer connection requirements in the one application. The applicable lodgment fee will be adjusted at the time of lodgment according to the features requested.</i></p>	
<p>8.</p>	<p>Connection to water or sewer infrastructure is subject to further approvals. For further information about these requirements, please contact Council's Water Services section on 1300 883 699.</p> <p>No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by the Council.</p>	<p>Prior to commencement of the use</p>
<p>9.</p>	<p>Arrangements for the removal of the existing residential water service on proposed lot 900 are to be made with Council's Water Services Planning and Delivery Section. All works are to be undertaken by Council at the developer's expense.</p>	<p>Prior to commencement of the use</p>

**PART 2—CONCURRENCE AGENCY CONDITIONS**

Department of State Development, Tourism and Innovation, by letter dated 1 February 2021 (copy letter attached for information).

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.

Cr Learmonth returned to the meeting, the time being 10.24 am.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O1	.	COMMUNITY & CULTURAL SERVICES

**Portfolio:**

Community &amp; Environment

**Subject:**

Partnership &amp; Sponsorship Grant Application - LifeFlight Foundation Ltd

2722

**Resolution**

Cr TM McPhee presented the report; and moved:-

**That Council provide financial support under Council's Partnerships & Sponsorships Grants Program to LifeFlight Foundation Ltd (ABN 63 618 170 184), to assist with operational costs in the 2020/2021 financial year - in the sum of \$50,000 (plus GST where applicable).**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O2		COMMUNITY & CULTURAL SERVICES

**Portfolio:**

Community & Environment

**Subject:**

Lease - Part of Lot 2 on SP314446 - 160 Hughes Road - Bargara Administration Centre

**2723**

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:-**

- 1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a Lease to Burnett Mary Regional Group for Natural Resource Management Ltd for part of the Bargara Administration Centre, known as Lot 2 on SP314446.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b> O3	<b>File Number:</b>	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Lease - Part of Lot 9 on CP CK3658 - Burnett Heads Progress and Sports Association Inc

2724

**Resolution**

Cr VJ Habermann presented the report; and moved:-

**That:**

- 1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012 (Qld)*; and**
- 2. the Chief Executive Officer be authorised to enter into a lease with the Burnett Heads Progress and Sports Association Inc for part of Lot 9 on CP CK3658 for a term of 10 years.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O4		COMMUNITY & CULTURAL SERVICES

**Portfolio:**

Community & Environment

**Subject:**

Lease BE - Part of Lot 35 on SP254546 - Bittern Holdings Pty Ltd

**2725**

**Resolution**

Cr GR Barnes presented the report; and moved:-

**That:**

1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)*; and
2. the Chief Executive Officer be authorised to enter into a five (5) year Lease with a five (5) year option to Bittern Holdings Pty Ltd (ACN 124 273 856) as trustee for aviation hangar site BE located on Lot 35 on SP254546 at Bundaberg Regional Airport.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O5		COMMUNITY & CULTURAL SERVICES

**Portfolio:**

Community & Environment

**Subject:**

Lease - Lot 11 on CP CK3658 - The State of Queensland

2726

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:-**

- 1. Council apply the exception contained in section 236(1)(b)(i) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a 10 year Lease to The State of Queensland (Represented by Public Safety Business Agency) for Lot 11 on CP CK3658.**

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
P1		WASTE & RECYCLING

**Portfolio:**

Community &amp; Environment

**Subject:**

Specialised Supplier Arrangement - Northern Geometric Model and Plans Update for Qunaba Landfill

**2727****Resolution**

Cr TM McLoughlin presented the report; and moved:-

**That, pursuant to Section 235(b) of the *Local Government Regulation 2012*, Council enter into an arrangement with ATC Williams Pty Ltd for the provision of Northern Geometric Model and Plans Update for Qunaba Landfill without first inviting written quotes.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.





## Minutes

27 April 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
R1	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

### Portfolio:

Community & Environment

### Subject:

Extension of term for rent relief - Costcurve Pty Ltd

Cr Mitchell left the meeting, the time being 10.35 am.

**2728**

### Resolution

Cr SA Cooper presented the report; and moved:-

**That the term for rent relief for Costcurve Pty Ltd, 157 Bourbong Street, Bundaberg Central, be extended for a further 6 months until 31 March 2021.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

Cr Mitchell returned to the meeting, the time being 10.37 am.



## Minutes

27 April 2021

<b>Item Number:</b> S1	<b>File Number:</b> .	<b>Part:</b> TOURISM & REGIONAL GROWTH
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**Portfolio:**

Community & Environment

**Subject:**

Rent Relief for Airport Café Restructure

2729

**Resolution**

Cr GR Barnes presented the report; and moved:-

**That Council grant a waiver of lease rental payment for the Airport Café operator, WZ Management, for the month of April 2021, whilst the café remains closed and the operator develops a new business structure.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.

The Mayor advised at this stage, pursuant to Section 275 of the “Local Government Regulation 2012”, the meeting would be closed to the public to discuss the following item which is considered confidential in accordance with Section 275.

### Resolution

Cr JM Dempsey moved:-

**That the meeting be closed to the public – and discussion on the following item be held in Committee:**

**T1 Request for Waiver of Waste Collection Charges - Lot 1 on SP187551**

Seconded by Cr TM McPhee - and carried unanimously.

**The meeting closed to the public and the livestream was suspended at 10.41 am.**

**Crs McPhee and Mitchell left the meeting, the time being 10.41 am.**

### Resolution

Cr JM Dempsey moved:-

**That the meeting now be reopened.**

Seconded by Cr WR Trevor - and carried unanimously.

**The meeting reopened to the public and the livestream recommenced at 10.44 am.**



## Minutes

27 April 2021

<b>Item Number:</b> T1	<b>File Number:</b>	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Organisational Services

**Subject:**

Request for Waiver of Waste Collection Charges - Lot 1 on SP187551

**Confidential Reason:**

Local Government Regulation 2012 Section 275(d) (d) rating concessions; AND rating concessions.

Note: Crs Mitchell and McPhee remained out of the meeting room while this matter was moved and voted on.

**2730**

**Resolution**

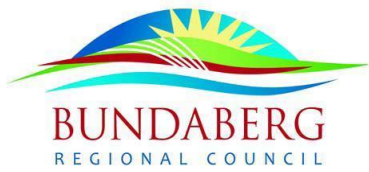
Cr JM Dempsey moved:-

**That Council provide a further reduction of \$1,099.99 to waste collection charges to the property known as Lot 1 on SP187551.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.

**Crs McPhee and Mitchell returned to the meeting, the time being 10.46 am.**



## Minutes

27 April 2021

<b>Item Number:</b> V1	<b>File Number:</b>	<b>Part:</b> Meeting Close
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**Subject:**

Meeting Close

There being no further business – the Mayor declared this Ordinary meeting closed at 10.46 am.

Confirmed on 25 May 2021.

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Mayor